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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIRSO GARCIA-VALDEZ,

Defendant.

CASE NO. 1:20-CR-00044-ADA-BAM

STIPULATION TO VACATE STATUS
CONFERENCE AND SET CASE FOR A CHANGE
OF PLEA HEARING AND ORDER THEREON

Court: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a STATUS CONFERENCE on May 24, 2023, at 1:00 p.m.

2. By this stipulation, defendant now moves to vacate the status conference and to **set the case for a change of plea hearing on June 12, 2023, at 8:30 a.m.** before the Hon. Ana de Alba.

3. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611, 612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have been encouraged to telework and minimize personal contact to the greatest

1 extent possible.

2 4. The parties agree and stipulate, and request that the Court find the following:

3 a) Discovery in this case has been provided, and consists of voluminous
4 investigative reports, wire interceptions recordings and electronic messages, precise location
5 information data, and more, and cellular phone downloads. All of this discovery has been either
6 produced directly to counsel and/or made available for inspection and copying.

7 b) Counsel for the defendants believes that failure to grant the above-requested
8 continuance would deny him/her the reasonable time necessary for effective preparation, taking
9 into account the exercise of due diligence.

10 c) The government does not object to the continuance.

11 d) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of May 24, 2023 to June 12, 2023,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results
17 from a continuance granted by the Court at defendant's request on the basis of the Court's
18 finding that the ends of justice served by taking such action outweigh the best interest of the
19 public and the defendant in a speedy trial.

20 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23 IT IS SO STIPULATED.

24 Dated: May 10, 2023

PHILLIP A. TALBERT
United States Attorney

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26 By: /s/ JUSTIN J. GILIO
27 JUSTIN J. GILIO
28 Assistant United States Attorney

1 Dated: May 10, 2023

/s/ *David Torres*
Attorney for Defendant
TIRSO GARCIA-VALDEZ

5 **ORDER**

6 IT IS SO ORDERED that the status conference set for May 24, 2023, is vacated. A change of plea
7 hearing is set for **June 12, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded
8 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

9
10 IT IS SO ORDERED.

11 Dated: **May 11, 2023**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE